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April 18, 2018

Via ECF

Judge Arthur D. Spatt
United States District Court
100 Federal Plaza
P.O. Box 9014
Central Islip, New York 11722

Re: Sedhom v. Pro Custom Solar LLC
Case No.: 2:17-cv-7559
Our File No.: 28369-10

Dear Judge Spatt:

We represent Defendant, Pro Custom Solar LLC. Kindly accept this correspondence responding to plaintiff's alleged supplemental authority. We argued in our reply brief (ECF Doc. 6) that plaintiff's reliance on Chowdhury v. Hamza Express Food Corp., 666 F. App'x 59, 60-61 (2d Cir. 2016) is improper because it makes no mention of the issues germane to Defendants' motion to dismiss. Plaintiff's supplemental authority relying upon Rana v. Islam, -- F. 3d --, 2018 WL 1659667, 2018 U.S. App. LEXIS 8781 (2d Cir. Apr. 6, 2018) is equally perplexing. Simply stated, Rana does not address whether liquidated damages under NYLL are compensatory or punitive. Instead, Rana merely forbid a duplicative award of liquidated damages per the NYLL and FLSA. Id. More importantly, Rana is irrelevant to whether a plaintiff's putative class action complaint must be dismissed because the relief sought to be obtained under the NYLL, regardless of the amount, remains a penalty and Plaintiff has failed to offer an argument to the contrary.

Thank you for your attention to this matter. Please feel free to contact me with any questions or concerns.

Respectfully submitted,
SCHENCK, PRICE, SMITH & KING, LLP

John P. Campbell

JPC/1922774



CC Via ECF:

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